

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

BRIDGING COMMUNITIES, INC., a	)	
Michigan corporation, and GAMBLE	)	
PLUMBING & HEATING, INC., a Michigan	)	
corporation,	)	
	)	Case No.: 2:09-cv-14971
Plaintiffs,	)	
	)	Hon. Avern Cohn
v.	)	
	)	
TOP FLITE FINANCIAL, INC.,	)	
	)	
Defendant.	)	

**ORDER GRANTING DEFENDANT'S MOTION TO DISMISS  
FOR LACK OF SUBJECT MATTER JURISDICTION AND/OR  
MOOTNESS UNDER FED. R. CIV. P 12(b)(1)**

This matter having come before the Court on Defendant's Motion to Dismiss for Lack of Subject Matter Jurisdiction and/or Mootness under Fed. R. Civ. P. 12(b)(1) (DK#70), Plaintiffs having filed an Opposition to Same (DK#73) and Defendants having filed a Reply to Response (DK#75), the Court having considered the same at the February 23, 2015 Status Conference, and the Court having decided to grant the Motion (DK#70) over Plaintiff's objections and enter Judgment upon the terms set forth in the Offers of Judgment that were made to each Plaintiff on February 10, 2014 under Fed. R. Civ. P. 68 (DK#70-4 and DK#70-5), and with the Court being otherwise fully advised:

**IT IS ORDERED AND ADJUDGED** that Defendant's Motion to Dismiss for Lack of Subject Matter Jurisdiction and/or Mootness under Fed. R. Civ. P. 12(b)(1) (DK#70), is Granted.

**IT IS FURTHER ORDERED AND ADJUDGED** that the Court shall enter the Judgments that are attached hereto as Exhibits A and B.

**IT IS FURTHER ORDERED AND ADJUDGED** that because the case is moot based on entry of this Order, Defendant Top Flite Financial, Inc.'s Motion for Summary Judgment Under Fed. R. Civ. P 56 (DK#77) shall be decided by the Court if the case is remanded after Plaintiff's appeal.

s/Avern Cohn  
UNITED STATES DISTRICT JUDGE

DATED: April 28, 2015

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, April 28, 2015, by electronic and/or ordinary mail.

s/Sakne Chami  
Case Manager, (313) 234-5160

**EXHIBIT A**  
**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF MICHIGAN**

BRIDGING COMMUNITIES, INC., a	)	
Michigan corporation, and GAMBLE	)	
PLUMBING & HEATING, INC., a Michigan	)	
corporation,	)	
Plaintiffs,	)	Case No.: 2:09-cv-14971
v.	)	
	)	Hon. Avern Cohn
TOP FLITE FINANCIAL, INC.,	)	
	)	
Defendant.	)	

**JUDGMENT**

For the reason set forth in the Order issued this date, IT IS HEREBY ORDERED that JUDGMENT is entered against Defendant awarding Plaintiff Bridging Communities, Inc., only, the following relief:

1. An award of money damages in the amount of One Thousand Five Hundred Fifty (\$1,550.00) Dollars;
2. Costs pursuant to Fed. R. Civ. P. 54(d)(1) and 28 U.S.C. § 1920 accrued through the date of this Judgment. Bridging Communities, Inc. shall file a Motion and submit its bill of costs to the court pursuant to Fed. R. Civ. P. 54 and 28 U.S.C. § 1920.
3. Top Flite Financial, Inc. and any agent acting on its behalf, is enjoined from using any telephone facsimile machine, computer, or other device to send any unsolicited facsimile advertisement to any facsimile machine, person, or entity in violation of the Telephone Consumer Protection Act ("TCPA"), 47 U.S.C. § 227.

THIS IS A FINAL ORDER AND CLOSES THE CASE.

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U.S. DISTRICT COURT JUDGE

**EXHIBIT B**  
**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF MICHIGAN**

BRIDGING COMMUNITIES, INC., a	)	
Michigan corporation, and GAMBLE	)	
PLUMBING & HEATING, INC., a Michigan	)	
corporation,	)	
Plaintiffs,	)	Case No.: 2:09-cv-14971
v.	)	
	)	Hon. Avern Cohn
TOP FLITE FINANCIAL, INC.,	)	
	)	
Defendant.	)	

**JUDGMENT**

For the reason set forth in the Order issued this date, IT IS HEREBY ORDERED that JUDGMENT is entered against Defendant awarding Plaintiff Gamble Plumbing & Heating, Inc., only, the following relief:

1. An award of money damages in the amount of One Thousand Five Hundred Fifty (\$1,550.00) Dollars;
2. Costs pursuant to Fed. R. Civ. P. 54(d)(1) and 28 U.S.C. § 1920 accrued through the date of this Judgment. Plaintiff Gamble Plumbing and Hearing, Inc. shall file a Motion and submit its bill of costs to the court pursuant to Fed. R. Civ. P. 54 and 28 U.S.C. § 1920.
3. Top Flite Financial, Inc. and any agent acting on its behalf, is enjoined from using any telephone facsimile machine, computer, or other device to send any unsolicited facsimile advertisement to any facsimile machine, person, or entity in violation of the Telephone Consumer Protection Act ("TCPA"), 47 U.S.C. § 227.

THIS IS A FINAL ORDER AND CLOSES THE CASE.

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U.S. DISTRICT COURT JUDGE